

REMARKS

Applicants submit this request for continued examination in order to obtain a notice of allowance after further consideration by the Examiner. This submission is in response to the Advisory Action mailed May 24, 2005 and the Final Office Action dated February 9, 2005. The Advisory Action was in response to Applicant's Request for Reconsideration filed April 8, 2005. The Final Office Action indicated that Claim 2 would be allowed if rewritten so as to include all the claims from which it depends, and Claims 1 and 3-20 stand rejected. The Applicants wish to thank the Examiner for considering the present application and for his kind consideration during our recent phone conversation. Also, this submission is in further response to a phone discussion on June 17, 2005 with the Examiner in which the Applicants' position of the prior art was clarified and now believed to be correctly understood by the Examiner.

Phone Conversation with the Examiner

The above mentioned phone conversation with the Examiner was in response to the Advisory Action incorrectly indicating, "As acknowledged by applicant, DeZorzi teaches a measurement of vehicle speed as claimed." In the phone conversation it was discussed that the Applicants never acknowledged that DeZorzi taught this claim limitation. Specifically, the Applicants discussed with the Examiner Applicants' Paragraph a (reiterated below) wherein Applicants indicated that DeZorzi only teaches an on/off state, which is indicative of movement which is only indicative of surpassing a vehicle speed threshold. The DeZorzi reference does not teach or suggest the vehicle speed as required by the claims. The Examiner is highly encouraged to call should further discussion be required.

Also, the Applicants discussed with the Examiner that the claims should be allowed also for at least the reasons presented in Paragraph b, c, d, e and f of the Request for Consideration. Accordingly, with the suggestion of the Examiner, the Applicants present the arguments below in this Submission and respectfully request the Examiner for reconsideration.

Response to Final Office Action

As an initial matter, responsive arguments are presented below addressing the patentable subject matter in response to the comments found in paragraphs a-f on pages 5-6 of the Final Office Action.

In the Final Office Action, claims 1 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by *DeZorzi* (6,232,875). Claims 3-5 and 7-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *DeZorzi*. Applicants respectfully traverse.

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(10/064,694)

Paragraph a

The claims require measuring a vehicle speed. While Applicants agree with the Examiner that what is claimed is a measurement of vehicle speed, Applicants disagree with the Final Office Action where it states, "*DeZorzi* teaches the speed measurement being a motion signal that is indicative of movement of the vehicle at or above a predetermined vehicle speed." To the contrary, Applicants stated "The motion signal taught in the *DeZorzi* reference is indicative of movement." Applicants do not disagree that the *DeZorzi* reference discloses a "signal", but *DeZorzi* does not teach or suggest that the signal is indicative of a vehicle speed. Applicants believe that the *DeZorzi* reference teaches a motion device (in this case a centrifugal on/off switch) that transmits a signal state of either on or off. Of course *DeZorzi* uses the signal with a on/off state from the on/off switch as suggested by the Final Office Action stating, "*DeZorzi*'s measurement is indicative of surpassing a particular vehicle speed rather than the actual vehicle speed", but how does this suggest measuring the vehicle speed as required by the claims. Accordingly, the *DeZorzi* reference fails to teach or suggest measuring a vehicle speed.

Paragraph b

The claims require setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare and a pending spare. The Final Office Action states "*DeZorzi* discloses each tire being identified with a module corresponding thereto." While it is true that the *DeZorzi* reference discloses a module associated with each vehicle tire and a data message may be transmitted that includes an indication of tire condition, diagnostic information for the associated module, an Identification (ID) code of the module, and a tire ID code indicating the location of the module relative to the vehicle, *DeZorzi* does not explicitly disclose each tire being identified with a module corresponding thereto as surmised in the Final Office Action. Of course *DeZorzi* discloses transmitting a tire condition signal, but how does this suggest setting a tire status corresponding to the tire identification number to a rolling status, a pending rolling status, a spare and a pending spare as required in the claims.

Moreover, the claims require setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare and a pending spare *in response to a timer and a vehicle speed*. While it is true that *DeZorzi* is directed to the timing of the transmission of the tire condition signal from controller 72 depending upon its mode to controller 64, Applicants disagree with the Final Office Action where it stated, "*DeZorzi* further discloses

the module status being updated in response to a timer. Applicants stated in a related application:

DeZorzi is directed to an apparatus and method for controlling a tire condition module of a vehicle tire. In *DeZorzi* a tire condition sensor module (14) includes a tire condition sensor (78, 84, 88) operative to sense a tire condition of an associated tire (20) and provide a signal indicative thereof. A motion detector (32) is operative to detect movement of the tire and provide a motion signal indicative thereof. A transmitter (44) transmits a tire transmitter signal indicative of the tire condition signal. A controller (72) is connected with the motion detector (32), the transmitter (44), and the tire condition sensor (78, 84, 88). The controller (72) controls the tire condition sensor (78, 84, 88) to sense the tire condition at a first sensing rate during an initial time period in which the motion signal indicates less than a predetermined amount of tire movement. The controller (72) controls the transmitter (44) during the initial time period to transmit the tire transmitter signal depending on the sensed tire condition. The controller (72) controls the tire condition sensor (78, 84, 88) after the initial time period to sense at a second sensing rate, which is less than the first sensing rate, so long as the motion signal continues to indicate less than the predetermined amount of tire movement.

What must be emphasized in *DeZorzi* is that the tire condition modules (14, 16, 18) each have a controller 72. The controller 72 in each of the tire condition module 14 is **not** the same as controller 64, although both kinds of controllers are located on the vehicle 10. Also, *DeZorzi* emphasizes that the controller 64 may receive the tire condition signal from the controller 72 of each tire condition module when the transmitter 44 of controller 72 transmits a tire condition signal. Furthermore, *DeZorzi* emphasizes and is directed to the timing of the transmission of the tire condition signal from controller 72 depending upon its mode."

Of course *DeZorzi* is directed to the timing of the transmission of a tire condition signal from controller 72 depending upon the controller 72's mode, but how does this suggest setting a tire status corresponding to the tire identification number to a rolling status, a pending rolling status, a spare and a pending spare in response to a timer and a vehicle speed as required in the claims. Accordingly, the *DeZorzi* reference fails to teach or suggest setting a tire status corresponding to the tire identification number to a rolling status, a pending rolling status, a spare and a pending spare in response to a timer and a vehicle speed.

Paragraph c

The Examiner states that *DeZorzi* discloses the use of countdown timers. While it is true that *DeZorzi* discloses a timer that when expired provides electrical power to the sensors to measure corresponding tire condition and diagnostic parameters, *DeZorzi* does not explicitly disclose a countdown timer.

Paragraph d

The claims require setting a tire status by setting the first tire status to spare (or pending spare) when the first tire message is received, the vehicle is moving and a predetermined number of tire messages are not received when the vehicle is moving. Of course *DeZorzi* discloses a module that transmits the tire transmitter signal depending on the sensed tire condition, but how does *DeZorzi* teach or suggest a module that sets a tire status when the message is received. Most instructively, the module in *DeZorzi* transmits the sensed tire condition, but this module cannot set a tire status because it is transmitting the sensed tire condition, not receiving the sensed tire condition (note the distinction and role of the different controllers disclosed in *DeZorzi* and as noted above in the quoted paragraph.) Accordingly, the *DeZorzi* reference fails to teach or suggest setting a tire status by setting the first tire status to spare (or pending spare) when the first tire message is received, the vehicle is moving and a predetermined number of tire messages are not received when the vehicle is moving.

Paragraph e

However, while it is true that *DeZorzi* discloses storing some of the data in appropriate memory, it does not teach or suggest setting the tire status includes saving the tire status in the memory. As mentioned above in paragraph a, *DeZorzi* does not teach or suggest setting the tire status to a rolling status, a pending rolling status, a spare and a pending spare. Since *DeZorzi* does not teach or suggest setting the tire status, how then can it store the tire status into memory. Accordingly, the *DeZorzi* reference fails to teach or suggest setting the tire status includes saving the tire status in the memory.

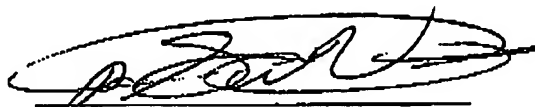
Paragraph f

The claims require generating the wake message in response to a spare tire motion. *DeZorzi* reference does not teach or suggest generating a wake message in response to the spare tire motion. While it is true that *DeZorzi* discloses entering a pre-sleep mode, a sleep mode and a broadcast tire condition data mode, *DeZorzi* does not explicitly disclose entering a wake mode. Even if *DeZorzi* disclosed entering a wake mode, *DeZorzi* does not disclose generating a wake message in response to the spare tire motion. Accordingly, the *DeZorzi* reference fails to teach or suggest generating the wake message in response to the spare tire motion.

In light of the above remarks, Applicants submit that the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,



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